

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Committee on Technical Barriers to Trade

## FIRST THREE-YEAR REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT

### Proposals by the Nordic Countries

The following proposals, to be discussed at the first three-year review, are being circulated at the request of the Swedish delegation on behalf of the Nordic countries.

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In order to secure uniform interpretation and application of the provisions regarding the notification procedures and the obligations for the Enquiry Points as laid down in the TBT Agreement, the Nordic countries suggest the following supplementary recommendations to be considered at the three-year review.

The Committee recognizes that:

- (a) the concept "significant effect on trade of other Parties" refers to the effect of one or several technical regulations on trade with a specific product, group of products or products in general between two or more Parties (countries). Consequently, it does not refer to trade between individual parties (companies);
- (b) an enquiry should be considered "reasonable" when it is limited to a specific product or group of products but not when it goes beyond that and refers to an entire business branch or field of regulations or standards.

The Committee recommends that:

- (a) notification to other Parties through the GATT secretariat should be made at the same time as the publishing of a notice in a publication (i.e. "at an early appropriate stage"). If the proposal is presented for comments to interested parties within the country concerned, notification of the proposal to other Parties through the GATT secretariat should be made at the same time;

- (b) the Enquiry Point(s) of a Party should be prepared to answer enquiries regarding the membership and participation of that Party or relevant bodies within its territory in international and regional standardizing bodies and certification systems.

(To be added to the present recommendation on comment periods):

- (c) if a Party wishing to comment is unable to do so within the time-limit given by the notifying Party, it can within that time-limit inform the notifying Party about its intention to comment and request an extension of the time-limit. The notifying Party should look favourably to such requests.